

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1464 of 2024

Arising Out of PS. Case No.-44 Year-2023 Thana- MAHILA PS District- Jehanabad

GAURAV KUMAR @ ANKIT KUMAR S/O SUBHASH PRASAD R/O
VILLAGE- LADAUYA MAKHDUMPUR, P.S- MAKHDUMPUR, DISTT.-
JAHANABAD.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. NEHA KUMARI D/O KISHORI CHAUDHARY R/O VILLAGE- UTTA
MADARPUR, P.S- JAHANABAD, DISTT.- JAHANABAD.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashok Kumar
For the Respondent/s	:	Mr.Binay Krishna
For the Respondent no.2	:	Mr.Satya Ranjan Sinha Mr.Dhananjay Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 23-09-2024 Heard learned counsel for the appellant as well as
learned counsel for the informant.

2. This appeal has been preferred on behalf of the
appellant under Section 14-A(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act for setting aside
the order dated 23.02.2024 passed by the learned Additional
Sessions Judge-1-cum-Special Judge, SC/ST Act, Jehanabad in
Jahanabad (Mahila) P.S. Case No. 44 of 2023, registered for the
offences punishable under Section 376 of the Indian Penal Code
& Section 3(i)(w)3(2)(va) of SC and ST (Prevention of



Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

3. The victim stated in her written report that the petitioner was a student of same coaching and at the pretext of providing her notebooks, he brought her to his quarters and committed rape upon her. When she made alarm, he fled away. The victim went to her house and narrated the entire occurrence to her family members.

4. The learned counsel for the appellant has submitted that he is innocent and has falsely been implicated in this case. As a matter of fact, the victim and her family members were making pressure on the appellant to solemnize marriage with the victim, to which he was not ready and it was the reason that the appellant has falsely been implicated in this case. The appellant is under custody since 06.01.2024.

5. On the other hand, the learned Special P.P. has opposed the prayer for bail and submitted that the victim, who belongs to a member of Scheduled Caste, was subjected to sexual assault by the petitioner. The witnesses in paragraph nos. 4 to 7 of the case diary have supported the occurrence and the doctor has also opined that sexual contact was likely to be occurred.



6. Considering the above-mentioned facts and circumstances, the appellant does not deserve the privilege for bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

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